

REMARKS/ARGUMENTS

The Examiner is requiring election of a single Group of claims for further prosecution.

The Claims have been divided into Groups as follows:

Group I: Claims 29-39, 44-52, drawn to a film.

Group II: Claim 40, drawn to a method of forming film.

Applicants elect, with traverse, Group I, Claims 29-39, 44-52 (drawn to a film), for examination.

The Examiner is requiring restriction under M.P.E.P. 806.05(f).

Applicants respectfully submit that the above-identified application is a U.S. National application filed under 35 U.S.C. 371. Accordingly, MPEP § 1893.03(d) states:

“Examiners are reminded that unity of invention (not restriction) practice is applicable in international applications (both Chapter I and II) and in national stage applications submitted under 35 U.S.C. 371.”

Applicants respectfully submit that Rule 13.1 under Unity of Invention indicates that the inclusion of more than one invention in one international application is permitted if all inventions are so linked as to form a single general inventive concept.

Annex B of the Administrative Instructions under the PCT at (b) Technical Relationship states:

“The expression “special technical features” is defined in Rule 13.2 as meaning those technical features that defines a contribution which each of the inventions, considered as a whole, makes over the prior art. The determination is made on the contents of the claims as interpreted in light of the description and drawings (if any).”

Applicants respectfully submit that the Examiner has not provided sufficient indication that the contents of the claims *interpreted in light of the description* was considered in making

the assertion that the groups are distinct. Moreover, lack of unity has not been established and therefore the burden necessary to support an assertion of lack of unity has not been met.

Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the requirement for restriction. Applicants therefore request that the requirement for restriction be withdrawn.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice thereof is earnestly solicited.

Respectfully Submitted,

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